

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KEN POLA, et al.,

Plaintiff,

v.

THE VANGUARD GROUP, et al.,

Defendants.

3:11-CV-0692-LRH (VPC)

**REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE**

This report and recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On September 26, 2011, plaintiff submitted an application to proceed *in forma pauperis*, a motion for immediate injunctive relief, and a civil rights complaint (#1). On October 6, 2011, plaintiff also submitted an identical *ex parte* motion for restraining order and injunctive relief (#3/4) in this case and two other similar cases, one filed in Nevada 3:11-CV-0679-LRH (WGC)<sup>1</sup>, and one purportedly filed in Utah, Case No. 2:11-CV-0095. Plaintiff alleges in his complaint that “in retaliation for [his] suit against the LDS Church, the State of Utah has devised schemes, social engineering, electronic fraud, scams to prevent [him] from getting [his] retirement . . . .”<sup>2</sup>

<sup>1</sup>A hearing on plaintiff’s various motions for immediate injunctive relief was held on October 18, 2011, and all the motions were denied. 3:11-CV-0679-LRH (WGC) (#11).

<sup>2</sup>Plaintiff alleges his retirement is an amount which is illegible to the court - \$19,600,00 (#1-1).

1 On December 2, 2011, the court found that plaintiff's application to proceed *in forma pauperis*  
2 provided insufficient information for the court to act on the application (#5). The court ordered  
3 plaintiff to complete a more thorough application to proceed *in forma pauperis* and file it on or before  
4 December 23, 2011. *Id.* Plaintiff was cautioned that failure to do so would result in a recommendation  
5 to the District Court to dismiss this action. *Id.* Plaintiff failed to respond to this court's order.

6 Based upon the foregoing, the undersigned magistrate judge recommends that this action be  
7 dismissed without prejudice.

8 The parties should be aware of the following:

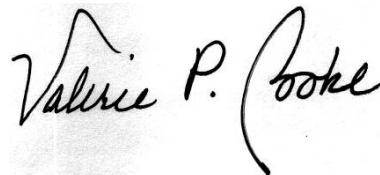
9 1. They may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules  
10 of Practice, specific written objections to this report and recommendation within fourteen (14) days  
11 of receipt. These objections should be titled "Objections to Magistrate Judge's Report and  
12 Recommendation" and should be accompanied by points and authorities for consideration by the  
13 District Court.

14 2. This report and recommendation is not an appealable order, and any notice of appeal  
15 pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's  
16 judgment.

17 **RECOMMENDATION**

18 For the reason stated above, the undersigned Magistrate Judge recommends that the District  
19 Court enter an order **DENYING** the application to proceed *in forma pauperis* (#1) and **DISMISSING**  
20 this action without prejudice.

21 DATED: January 9, 2012.

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24 UNITED STATES MAGISTRATE JUDGE